

Appln. No. 10/789,596
Amendment dated April 18, 2005
Reply to Office Action mailed January 18, 2005

REMARKS

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claim 8 remains in this application. Claims 1 through 7 and 9 have been cancelled. No claims have been withdrawn or added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Part 1 of the Office Action

Claim 9 has been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

Claim 9 has been cancelled, and therefore the §112 rejection of claim 9 is submitted to be moot.

Parts 2 and 3 of the Office Action

Claims 1, 5, 6 and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,340,067 to Martin et al., hereinafter Martin.

Claims 3, 4, 7 and 8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Martin in view of Rice.

Claims 1 through 7 and 9 have been cancelled.

Claim 8 has been amended to include the requirements of claim 9 (with a correction of the §112 matter), and particularly as amended, requires "said base member extending continuously about said receiving aperture to encircle the periphery of the computer mouse when the computer mouse is

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positioned in said receiving aperture, said base member being for inhibiting the computer mouse from inadvertently exiting said receiving aperture when the computer mouse is in use". This structure of the invention, clearly shown in Figure 1 of the drawings, enhances the security of the mounting of the device to the computer mouse so that the device stays with the mouse during movement.

The Martin patent describes a hand and wrist support that is intended to engage a computer mouse. As the Martin support lacks any portion or extension that is capable of extending forwardly of the computer mouse, the support apparently relies solely upon some pinching or frictional engagement between the side finger supports (14) and the sides of the mouse to be able to keep the support with the mouse. Clearly, the structure of Martin does not show a structure that "extend[s] continuously about said receiving aperture to encircle the periphery of the computer mouse", and it is submitted that one of ordinary skill in the art, considering the Martin patent would not be led to the claimed relationship.

The claimed structure is submitted to be superior than the structure of the Martin support, at it is able to secure the mouse without the necessity for relying upon a pinching structure to grasp and hold the mouse and which may lose the ability to hold the mouse over time and use. Since the contact between the mouse and the user hand is limited to one finger in the Martin support (see, e.g., Figures 3 and 4), the user has little ability assist the Martin side finger supports in grasping and holding the mouse, and thus any looseness therebetween would likely result in separation of the mouse from the support.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Martin and Rice set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 8.

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Withdrawal of the §103(a) rejection of claim 8 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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Date: April 18, 2005